

TABLE 2
STATE NONDISCRIMINATION LAWS:
LIFE, DISABILITY, AND LONG-TERM CARE INSURANCE

State and Statutes	Restricts Discrimination Based on Genetic Information in Life Insurance	Restricts Discrimination Based on Genetic Information in Disability Insurance	Restricts Discrimination Based on Genetic Information in Long-term Care Insurance	Requires Actuarial Justification to Use Genetic Information	Requires Informed Consent to Use Genetic Information
Alabama					
Alaska					
Arizona*	√	√		√	√
Arkansas					
California	√	√			√ ¹
Colorado		√ ²	√		√
Connecticut					
Delaware					
Florida	√ ⁶	√ ⁶			
Georgia					
Hawaii					
Idaho					
Illinois					
Indiana					
Iowa					
Kansas	√	√	√		
Kentucky					
Louisiana					

*Source: National Conference of State Legislatures
August, 2001*

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Maine	√	√	√		√
Maryland	√	√		√ ⁴	
Massachusetts					
Michigan					
Minnesota	√ ¹	√			√
Mississippi					
Missouri					
Montana [*]	√	√	√	√	
Nebraska					
Nevada					
New Hampshire					
New Jersey [*]	√	√		√	√
New Mexico [*]	√	√	√	√	√ ⁵
New York	√	√			√
North Carolina	√ ³				
North Dakota					
Ohio					
Oklahoma					
Oregon	√	√	√		√

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Pennsylvania					
Rhode Island					
South Carolina					
South Dakota					
Tennessee					
Texas					
Utah					
Vermont	√	√	√		
Virginia					
Washington					
West Virginia					
Wisconsin	√	√			
Wyoming		√			

NOTES:

* Arizona and New Jersey prohibit genetic discrimination in life and disability insurance without actuarial justification. Montana and New Mexico extend their prohibitions to include long-term care insurance as well.

1 Can only require a person to undergo a genetic test unless the cost of the test is paid by the insurer.

2 Applies only to group disability and long-term care insurance.

3 Applies only to "sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or a genetic trait that is harmless in itself."

4 No life insurance company shall refuse to issue or deliver life insurance or charge a higher rate solely because of possession of sickle cell trait or hemoglobin C trait.

5 Must notify individual that genetic test may be used.

6 No insurer shall refuse to issue, fail to deliver, or charge a higher rate solely because a person has the sickle-cell trait.

*Source: National Conference of State Legislatures
August, 2001*